

TEXT OF PROPOSED LAWS

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- (2) Preexisting court locations are retained as superior court locations.
- (3) Preexisting court records become records of the superior court.
- (4) Pending actions, trials, proceedings, and other business of the court become pending in the superior court under the procedures previously applicable to the matters in the court in which the matters were pending.
- (5) Matters of a type previously within the appellate jurisdiction of the superior court remain within the jurisdiction of the appellate division of the superior court.

(6) Matters of a type previously subject to rehearing by a superior court judge remain subject to rehearing by a superior court judge, other than the judge who originally heard the matter.

(7) Penal Code procedures that necessitate superior court review of, or action based on, a ruling or order by a municipal court judge shall be performed by a superior court judge other than the judge who originally made the ruling or order.

(d) *This section shall remain in effect only until January 1, 2007, and as of that date is repealed.*



PROPOSITION 49

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

AFTER SCHOOL EDUCATION AND
SAFETY PROGRAM ACT OF 2002

SECTION 1. This act shall be known, and may be cited, as the "After School Education and Safety Program Act of 2002."

SEC. 2. The people find and declare all of the following:

(a) Studies by law enforcement and nonprofit organizations show that the after school hours between 3 p.m. and 6 p.m. on school days are the peak hours for children to become victims of violent crimes or to commit violent crimes themselves. The after school hours are also the peak hours for drug and alcohol use and car accidents involving children.

(b) Research shows after school programs have a major positive impact on society by making our streets safer, and reducing risk taking behavior such as alcohol, tobacco and drug use by teenagers.

(c) Studies by the University of California Los Angeles and the University of California Irvine of existing after school programs in California show the after school programs have a major positive impact on the education of our children by increasing school attendance, reducing suspensions, and improving standardized test scores.

(d) After school programs save taxpayer money by reducing crime, reducing health costs associated with drug and alcohol use, cutting grade repetition, and reducing the need for remedial education.

(e) After school programs help working families by providing their children a safe, educationally enriching place to go after school when there is no parent at home.

(f) School buildings, playgrounds, and other school facilities are a huge taxpayer investment, and they can and should be better utilized during before and after school hours, especially for after school programs for California's children.

(g) The After School Learning and Safe Neighborhoods Partnerships Program has successfully provided incentive grants for after school and nonschoolday programs that have proven to increase academic performance and to improve behavior of children, especially children at risk.

(h) Only a small portion of elementary and middle schools in California currently operate an after school program. With approximately 50 percent of California's children having either a single working parent, or two parents who both work, after school programs have become a necessity, not a luxury.

(i) Although new funding of after school programs is extremely important, revenues guaranteed by law for our public school system pursuant to Proposition 98 should first be fully appropriated and therefore not be used to increase the funding of these after school programs. The new funding for after school programs will therefore be funded above the legally required educational funding.

(j) And because there are essential, noneducation state programs that need continued funding, increasing funding for these after school programs should occur only after substantial growth in state revenues not guaranteed for education purposes.

SEC. 3. Therefore the people enact the After School Education and Safety Program Act to encourage schools and school districts to use school facilities and other appropriate locations to provide a safe and educationally enriching place for children in grades K through 9 to be when they are not in school and to accomplish the following specific purposes:

(a) To rename the After School Learning and Safe Neighborhoods Partnerships Program the After School Education and Safety Program (ASESP), but not to change its program operations under existing law and to continue to require a 50 percent match of local funding.

(b) To expand ASEP funding to a level sufficient to:

(1) First, fund all existing before and after school and nonschoolday grants.

(2) Second, make available universal after school incentive grants to every public (including charter) elementary, middle, and junior high school in California making an acceptable application.

(3) Third, increase funding for before and after school programs beyond current appropriations when more state revenue is available.

(c) To give priority for increased state funding to schools with predominantly low-income students from funds available once every eligible school has the opportunity to receive an initial universal after school grant.

(d) To add computer training, fine arts, and physical fitness programs to the educational/literacy and enrichment/recreational components of existing law.

(e) To solicit local law enforcement input in program development.

(f) To fund the expansion of state grants to schools for this program only out of growth in state revenues, instead of new taxes, and only after state revenues that are otherwise legally guaranteed to fund education programs have already been fully appropriated.

(g) To appropriate four hundred sixty-five million dollars (\$465,000,000) for new program expenditures above the existing statutory appropriation of eighty-five million dollars (\$85,000,000) for a total of five hundred fifty million dollars (\$550,000,000), much of which will be offset from savings expected from reduced costs in crime and education.

(h) To make sure this new four hundred sixty-five million dollar (\$465,000,000) appropriation is not an undue burden on other state programs, to provide a trigger to increase the eighty-five million dollar (\$85,000,000) appropriation in the 2004–05 fiscal year or later when and only if state revenues have grown sufficiently over the highest of the 2000–01, 2001–02, 2002–03, or 2003–04 fiscal years to provide more than one billion five hundred million dollars (\$1,500,000,000) in new appropriations not guaranteed for education purposes.

(i) To ensure each school gets the highest quality program possible, provide 1½ percent of the appropriation for the program for technical assistance and program evaluation.

SEC. 4. The heading of Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of the Education Code is amended to read:

Article 22.5. ~~Before and After School Learning and Safe Neighborhoods Partnerships Program~~
After School Education and Safety Program

SEC. 5. Section 8482 of the Education Code is amended to read:
8482. There is hereby established the *After School Education and Safety Program*. All references to it by its prior name, the Before and After School Learning and Safe Neighborhoods Partnerships Program, in this article and other state law shall now identify it by its new name. The purpose of this program is to create incentives for establishing locally driven before and after school enrichment programs both during schooldays and summer,

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intersession, or vacation days that partner public schools and communities to provide academic and literacy support and safe, constructive alternatives for youth. The term *public school* includes charter schools.

SEC. 6. Section 8482.3 of the Education Code is amended to read:

8482.3. (a) The ~~Before and After School Learning and Safe Neighborhoods Partnerships Program~~ After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter ~~schoolsite~~ schools.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple ~~schoolsite~~ sites. If a program operates at multiple ~~schoolsite~~ sites, only one application shall be required for its establishment.

(c) Each component of a program established pursuant to this article shall consist of the following two components:

(1) An educational and literacy component whereby tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(2) A component whereby educational enrichment, which may include, but need not be limited to, *fine arts*, recreation, physical fitness, and prevention activities, is provided.

(d) Applicants for programs established pursuant to this article may include any of the following:

(1) A local education agency, including a charter school.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a local education agency or agencies.

(e) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that ~~schoolsite~~ site or ~~schoolsites~~ sites.

(2) The application has been approved by the school district and the principal of each ~~schoolsite~~ participating school for each ~~schoolsite~~ or other site.

(3) Each partner in the application agrees to share responsibility for the quality of the program.

(4) The application designates the public agency or local education agency partner to act as the fiscal agent. For purposes of this section, “public agency” means only a county board of supervisors or, where the city is incorporated or has a charter, a city council.

(5) Applicants agree to follow all fiscal reporting and auditing standards required by the State Department of Education.

SEC. 7. Section 8482.5 of the Education Code is amended to read:

8482.5. (a) Priority for funding programs established pursuant to this article, *except those established pursuant to subdivision (c) of Section 8482.55*, shall be given to schools where a minimum of 50 percent of the pupils in elementary schools and 50 percent of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

(b) Every program established pursuant to this article shall be planned through a collaborative process that includes parents, youth, and representatives of participating ~~schoolsites~~ public schools, governmental agencies, such as city and county parks and recreation departments, local law enforcement, community organizations, and the private sector.

SEC. 8. Section 8482.55 is added to the Education Code, to read:

8482.55. (a) To accomplish the purposes of the After School Education and Safety Program, commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, all grants made pursuant to this article shall be awarded as set forth in this section.

(b) Grants made to public schools pursuant to this article for the 2003–04 fiscal year shall continue to be funded in each subsequent fiscal year at the 2003–04 fiscal year level before any other grants are funded under this article, provided such schools continue to make application for such grants and are otherwise qualified pursuant to this article. Receipt of a grant at the 2003–04 fiscal year level made pursuant to this subdivision shall not affect a school’s eligibility for additional grant funding as permitted in subdivisions (c) and (d) up to the maximum grants permitted in Sections 8483.7 and 8483.75.

(c) Every public elementary, middle, and junior high school in the state shall be eligible to receive a three year renewable incentive grant for after school programs to be operated during the regular school year, as provided in subparagraph (A) of paragraph (1) of subdivision (a) of Section 8483.7. Except as provided in this subdivision, grants for after school programs made pursuant to this subdivi-

sion shall be subject to all other sections of this article. Grants for after school programs made pursuant to this subdivision shall not exceed fifty thousand dollars (\$50,000) for each regular school year for each elementary school or seventy-five thousand dollars (\$75,000) for each regular school year for each middle or junior high school. Notwithstanding subdivision (a) of Section 8482.5 and except as provided in subdivision (f), every public elementary, middle, and junior high school in the state shall have equal priority of funding for grants for after school programs made pursuant to this subdivision. Receipt of a grant for an after school program made pursuant to this subdivision shall not affect a school’s eligibility for additional grant funding as permitted in subdivision (d) up to the maximum grants permitted in Sections 8483.7 and 8483.75. Grants made pursuant to this subdivision shall be funded after grants made pursuant to subdivision (b) and before any grants made pursuant to subdivision (d). Grants made pursuant to this subdivision shall be referred to as “After School Education and Safety Universal Grants.”

(d) All funds remaining from the appropriation provided in Section 8483.5 after award of grants pursuant to subdivisions (b) and (c) shall be distributed pursuant to Sections 8483.7 and 8483.75. Grants for programs made pursuant to this subdivision shall be subject to all other sections of this article. Priority for grants for programs made pursuant to this subdivision shall be established pursuant to subdivision (a) of Section 8482.5 and Section 8483.3.

(e) No school shall receive grants in excess of the amounts provided in Sections 8483.7 and 8483.75.

(f) In the event that in any fiscal year the appropriation made pursuant to Section 8483.5 shall be insufficient to fund all eligible schools who make application for After School Education and Safety Universal Grants pursuant to subdivision (c), priority for After School Education and Safety Universal Grants shall be established pursuant to subdivision (a) of Section 8482.5 and Section 8483.3.

SEC. 9. Section 8483.25 is added to the Education Code, to read:

8483.25. The State Department of Education shall provide notice to all schools eligible for grants under this article of the availability of such grants as well as the process for making application.

SEC. 10. Section 8483.5 of the Education Code is amended to read:

8483.5. (a) It is the intent of the Legislature that a minimum of eighty-five million dollars (\$85,000,000) be appropriated for the program established pursuant to this article, through the annual Budget Act. Of the funds appropriated for the program, current grant recipients have priority for receiving continued funding for the same purposes for which they previously received an award. This subdivision shall be in effect only until June 30, 2004.

(b) Commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, there shall be continuously appropriated to the State Department of Education from the General Fund for the program established pursuant to this article an amount not to exceed five hundred fifty million dollars (\$550,000,000) that is the greater of (1) an amount equal to the appropriation from the General Fund for the program established pursuant to this article for the immediately preceding fiscal year, or (2) an amount equal to the sum of (A) the appropriation from the General Fund for the program established pursuant to this article for fiscal year 2003–04 and (B) the amount by which the state’s non-guaranteed General Fund appropriations for the current fiscal year exceed the sum of (i) the amount of the state’s non-guaranteed General Fund appropriations for the base year plus (ii) one billion five hundred million dollars (\$1,500,000,000). Nothing in this section prohibits the Legislature from appropriating funds for the program established pursuant to this article in excess of this continuous appropriation.

(c) For purposes of this section, the term “state’s non-guaranteed General Fund appropriations” shall mean those General Fund appropriations of the state in a fiscal year other than those appropriations guaranteed to be applied by the state for the support of school districts and community college districts pursuant to Sections 8 and 8.5 of Article XVI of the California Constitution. For purposes of this section, the “base year” is the fiscal year during the period July 1, 2000 through June 30, 2004 for which the state’s non-guaranteed General Fund appropriations are the highest as compared to any other fiscal year during such period.

(d) Notwithstanding subdivision (b), in any fiscal year in which the Legislature has legal authority pursuant to paragraph (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution to reduce the moneys applied by the state for the support of school districts and community college districts for the current fiscal year as compared to the moneys applied by the state for the support of school districts and community colleges during the immediately preceding fiscal year, the continuous appropriation pursuant to subdivision (b) shall be reduced for that fiscal year by the same percentage by which the moneys applied by the state for the support of school districts and community college districts in

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the current fiscal year is less than the moneys applied by the state for the support of school districts and community college districts during the immediately preceding fiscal year.

(e) All funds expended pursuant to this article shall be used only for the purposes expressed in this article. Except for funds expended pursuant to subdivision (b) of Section 8482.55, all funds expended pursuant to this article shall be used to supplement and not supplant existing levels of service.

SEC. 11. Section 8483.55 is added to the Education Code, to read:

8483.55. From the funds appropriated pursuant to subdivision (b) of Section 8483.5, the State Department of Education may spend 1½ percent to cover evaluation costs and to provide training and support to ensure quality program implementation, development, and sustainability and may pay its costs of awarding and monitoring grants.

SEC. 12. Section 8483.6 is added to the Education Code, to read:

8483.6. Notwithstanding subdivision (f) of Section 41202, in any fiscal year commencing with the fiscal year beginning July 1, 2004, that portion of any continuous appropriation made by Section 8483.5 for the program established pursuant to this article which is in excess of the amount appropriated for the program established pursuant to this article for the immediately preceding fiscal year shall not be appropriated until the Legislature has appropriated sums sufficient to fully fund the requirements of Sections 8 and 8.5 of Article XVI of the California Constitution for that year and shall be appropriated in addition to the sums required by, and shall not be considered towards fulfilling the funding requirements of, Sections 8 and 8.5 of Article XVI of the California Constitution for that fiscal year.

SEC. 13. Section 8484.6 of the Education Code is amended to read:

8484.6. (a) Programs established pursuant to this article may be conducted upon the grounds of a community park ~~or~~, recreational ~~area if the park or recreational area is adjacent to the school~~ site facility, or other site as approved by the State Department of Education in the grant application process. Offsite programs shall align the educational and literacy component of the program with participating pupils' regular school programs. No program located off school grounds shall be approved unless safe transportation is provided to the pupils enrolled in the program. Any reference to schoolsite as a physical location in this article shall mean schoolsite or other site as provided by this section.

(b) An offsite program conducted pursuant to this section shall comply with all statutory and regulatory requirements that are applicable to similar programs conducted on the schoolsite.

SEC. 14. Except for Sections 8482.55, 8483.5, and 8483.6 of the Education Code, the After School Education and Safety Program Act of 2002 may be amended to further its purpose by statute, passed in each house by a majority vote of the membership concurring and signed by the Governor. Section 8482.55 of the Education Code may be amended to further the purpose of the After School Education and Safety Program Act of 2002 by statute, passed in each house by a two-thirds vote of the membership concurring and signed by the Governor. Sections 8483.5 and 8483.6 of the Education Code may not be amended by the Legislature.

SEC. 15. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



PROPOSITION 50

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the Water Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

WATER SECURITY, CLEAN DRINKING WATER,
COASTAL AND BEACH PROTECTION ACT OF 2002

SECTION 1. Division 26.5 (commencing with Section 79500) is added to the Water Code, to read:

DIVISION 26.5. WATER SECURITY,
CLEAN DRINKING WATER, COASTAL AND
BEACH PROTECTION ACT OF 2002

CHAPTER 1. GENERAL PROVISIONS

79500. This division shall be known and may be cited as the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

79501. The people of California find and declare that it is necessary and in the public interest to do all of the following:

(a) Secure and safeguard the integrity of the state's water supply from catastrophic damage or failure from terrorist acts or other deliberate acts of destruction.

(b) Provide a safe, clean, affordable, and sufficient water supply to meet the needs of California residents, farms, and businesses.

(c) Provide adequate financing for balanced implementation of the CALFED Bay-Delta Program to:

(1) Provide good water quality for all beneficial uses.

(2) Improve and increase aquatic and terrestrial habitats and improve ecological functions in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary to support sustainable populations of diverse plant and animal species.

(3) Reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system.

(4) Reduce the risk to land uses and associated economic activities, water supply, infrastructure, and ecosystems from catastrophic breaching of Delta levees.

(d) Establish and facilitate integrated regional water management systems and procedures to meet increasing water demands due to significant population growth that is straining local infrastructure and water supplies.

(e) Improve practices within watersheds to improve water quality, reduce pollution, capture additional storm water runoff, protect and manage groundwater better, and increase water use efficiency.

(f) Protect urban communities from drought, increase supplies of clean drinking water, reduce dependence on imported water, reduce pollution of rivers, lakes, streams, and coastal waters, and provide habitat for fish and wildlife.

(g) Invest in projects that further the ability of all Californians to live within California's basic apportionment of 4.4 million acre-feet per year of Colorado River water pursuant to the Colorado River Water Use Plan.

(h) Protect, restore, and acquire beaches and coastal uplands, wetlands, and watershed lands along the coast and in San Francisco Bay to protect the quality of drinking water, to keep beaches and coastal waters safe from water pollution, and to provide the wildlife and plant habitat and riparian and wetlands areas needed to support functioning coastal and San Francisco Bay ecosystems for the benefit of the people of California.

79502. It is the intent of the people in enacting this division that it be administered and executed in the most expeditious manner possible, and that all state, regional and local officials implement this division to the fullest extent of their authority.

79503. It is the intent of the people that water facility projects financed pursuant to this division shall be designed and constructed so as to improve the security and safety of the state's drinking water system.

79504. It is the intent of the people that investment of public funds pursuant to this division should result in public benefits.

79505. As used in this division, the following terms shall have the following meanings:

(a) "Acquisition" means the acquisition of a fee interest or any other interest, including easements, leases, and development rights.

(b) "Board" means the State Water Resources Control Board.

(c) "CALFED" means the consortium of state and federal agencies with management and regulatory responsibilities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(d) "CALFED Bay-Delta Program" means the undertaking by CALFED to develop and implement, by means of the final programmatic environmental impact statement/environmental impact report, the preferred programs, actions, projects, and related activities that will provide solutions to identified problem